

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff(s),	)	CR 04-2173 TUC JMR (HCE)
	)	
vs.	)	<b><u>ORDER</u></b>
	)	
RICHARD SANCHEZ BANKS, et al.,	)	
	)	
Defendant(s).	)	
_____	)	

The District Court, has independently reviewed the pleadings in the court file in this matter, the Magistrate Judge's Report and Recommendation, and the objections filed by defendant. Although defense counsel argues that the "Magistrate's ruling was beyond the scope of his authority," the Magistrate Judge issued a Report and Recommendation, not a final order.

**IT IS ORDERED** that the District Court **ADOPTS** the Magistrate Judge's report and recommendation by minutes dated December 21, 2005, and the defendant's motion for order of dismissal based upon the government's failure to respond to defendant's previously filed motion to dismiss is **DENIED** (document #54).

**IT IS FURTHER ORDERED** as follows:

1. The government's:
  - a. motion for extension of time (document #61);
  - b. amended request for extension of time to answer (document #68); and,

c. supplement to amended request for extension of time to answer (document #71)  
are **GRANTED**.

2. The government's:

a. response to defendant Banks' motion to dismiss for Fifth Amendment violation  
(document 62#); and,

b. motion to suppress stop of vehicle (document #67) are hereby filed as timely.

This case remains set for hearing on **February 24, 2006, at 1:30 p.m.** regarding:

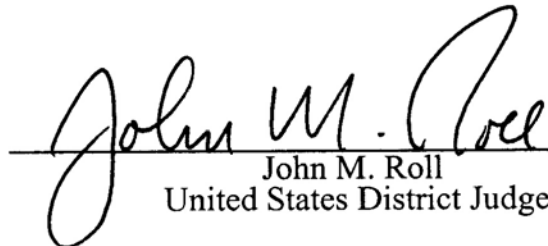
1. defendant's motion to dismiss for violation of Fifth Amended due process clause  
(document #53);

2. defendant's supplemental motion and memorandum in support of motion to  
suppress stop of vehicle by Richard Banks (document #38); and,

3. all other any pending pretrial motions (documents #14 and #20) .

This case remains set for trial on **March 7, 2006, at 9:30 a.m.**

DATED this 10<sup>th</sup> day of January, 2006.

  
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John M. Roll  
United States District Judge